

WASTE MANAGEMENT COUNCIL

Minutes of June 19, 2008

**State of New Hampshire
Department of Environmental Services
29 Hazen Drive, Room 112, 113, and 114
Concord, New Hampshire 03301**

MEMBERS PRESENT: G. Bradley Richards, Chairman; Fuat Ari; Michael Blayney; Charles Connell; Steven Crean; Nancy Kinner; Elaine Lauterborn; David Tooley; and Duncan Watson.

NHDES: Thomas Andrews, Hazardous Waste Remediation Bureau
Carl Baxter, Hazardous Waste Remediation Bureau
Pamela Hoyt-Denison, Waste Management Programs
Michael J. Wimsatt, P.E., Director, Waste Management Division

GUESTS: John V. Dwyer, Esq., Winer and Bennet, LLP
James Ricker, Weston Solutions, Inc.
Peter Roth, Esq., Attorney General's Office
James L. Soucy, Esq., Normand and Associates Attorneys at Law

(1) Introduction

- (A) Chairman Richards brought the meeting to order at 10:10 a.m. verifying that a quorum was present.

(2) Pending Business

- (A) Acceptance of Minutes for Meeting March 20, 2008: A motion was made to accept the Minutes of the March 20, 2008 meeting with minor amendments. Motion made by Ms. Lauterborn, seconded by Mr. Watson. All in favor.
- (B) Schedule of Next Meeting: The next meeting is scheduled for August 21, 2008 and will be held at the NHDES offices.
- (C) Correspondence: The Council reviewed correspondence regarding the Simard Family Trust Appeal. An appeal is scheduled for today at 11:00 a.m.

(3) Guest Speaker: Michael J. Wimsatt, P.E., Director, Waste Management Division

Mr. Wimsatt gave a brief synopsis to the Council regarding the most recent legislation being tracked by the Waste Management Division.

- HB 877 - relative to the state recycling program.
- HB 1332 - defining “hauler” of solid waste and requiring haulers to register with the department of environmental services, and relative to the weight and measurement of solid waste.
- HB 1346 - relative to the regulation of junk dealers, scrap metal dealers and pawnbrokers.
- HB 1635 - relative to permits for motor vehicle salvage facilities and motor vehicle crushers.
- HB 1636

Mr. Wimsatt introduced to the Council the new Administrator for the Waste Programs, Pamela Hoyt-Denison.

Ms. Denison gave a synopsis regarding the Green Yards Program.

(4) Appeal Hearing

Docket Number: 08-17 WMC
Appellant: Simard Family Trust Appeal
Subject of Appeal: February 19, 2008 Auburn Road Landfill Superfund Site
Groundwater Management Permit No. GWP-198803007-L0001
Revision to January 16, 2008 Modification Letter from the DES

Attorneys Roth and Soucy gave a synopsis regarding the issues in the appeal.
Discussions continued and witnesses were asked to testify.

12:55 p.m. – Council adjourned for lunch (appeal hearing to continue at 1:30 p.m.).
1:25 p.m. – Meeting reconvened.

(5) Appeal Hearing Continued

Docket Number: 08-17 WMC
Appellant: Simard Family Trust Appeal
Subject of Appeal: February 19, 2008 Auburn Road Landfill Superfund Site
Groundwater Management Permit No. GWP-198803007-L0001
Revision to January 16, 2008 Modification Letter from the DES

A motion was made to deny the appeal. Motion made by Mr. Watson, seconded by Ms. Lauterborn and further roll call vote as follows: Mr. Richards – yes; Ms. Lauterborn – yes; Mr. Blayney – yes; Mr. Tooley – yes; Ms. Kinner – yes; Mr. Crean – yes; Mr. Watson – yes; Mr. Connell – yes; and Mr. Ari – yes. The motion passed 9-0.

(6) Appeal Status:

Docket Number: 08-08 WMC
Appellant: Richard A. Mottolo
Subject of Appeal: January 11, 2008 Groundwater Management Permit
No. 198704094-R-001

Atty. Roth updated the Council briefly indicating that the parties have agreed on a settlement. The settlement agreement just needs to be finalized.

Docket Number: 07-26 WMC
Appellant: Simard Family Trust
Subject of Appeal: October 30, 2007 Groundwater Management Permit
No. GWP-198803007-L0001

The Council denied the appeal at the March 20, 2008 meeting. A decision and order was issued on June 17, 2008.

(7) Adjournment

Ms. Kinner moved to adjourn the meeting. Mr. Watson seconded. The Council unanimously agreed to adjourn.

*Respectfully submitted by Almorinda M. Samson, Waste Management Council Clerk.
A copy of the audio taped recording of this meeting is available upon request. Please contact
Ms. Samson at (603) 271-2905 for more information.*